



Restoring democracy

While Maryland now allows former felons to vote, the battle isn't over

By Russ Feingold and Jack Kemp

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Last year, The Sun told the story of Damond Ramsey, a man who, after serving an 18-month prison sentence, went to work for an HIV testing and education program. But without the right to vote, he said he didn't feel like a full citizen.

"That change cannot be complete unless I can vote," he said. "My vote will make a difference in the lives of my children."

Fortunately, Maryland is one of several states that have restored voting rights for people who want to move on with their lives and integrate back into society. Last year, 52,000 people became eligible to vote after Gov. Martin O'Malley signed the Voter Registration Protection Act.

In 2006, the people of Rhode Island approved a constitutional amendment allowing formerly incarcerated people the right to vote upon leaving prison. And we have also seen progress toward voting rights restoration in Florida, which traditionally made it very difficult for people with felony records to regain the right to vote.

But even as voting restoration grows, we have a long way to go. In addition to the 11 states that continue to deny voting rights to people with felony convictions after they have completed their sentences, 35 states deny the right to parolees, and 30 states deny the right to those on probation. In a few states, including Virginia, felons are disenfranchised for life, with no appeal.

For a nation that depends on the participation of its citizens, it is fundamentally un-American to deny the vote to people who are living and working as law-abiding citizens. Furthermore, the more doors we close on people trying to rejoin society, the more likely it is we will drive them back to the behaviors we want them to leave behind.

That is why we are proposing a federal law - the Democracy Restoration Act - to allow people on probation or parole, or who have served their sentences, to freely exercise their fundamental right to vote.

Later this year, Americans will determine the next president of the United States. But millions remain disenfranchised because of a dangerous anachronism: civil death.

The principle of civil death, a vestige of the Middle Ages, declared that convicted criminals were outlaws - irrevocably expelled from society. Perhaps civil death made sense in a land of kings and peasants, but it has no place in America today. And yet it has endured: an estimated 4 million people with felony convictions have been stripped of their voting rights even though they have rejoined society.

Civil death in America has an explicitly racist past. It is no accident that it disproportionately affects African-Americans. Nationwide, 13 percent of all African-American men are disenfranchised; in some states, it is almost 25 percent. Like the poll tax and the grandfather clause, civil death was a tool of Jim Crow.

People on probation and parole are expected to obey the law, pay taxes and contribute to society. Those who commit crimes should pay the price. But once the criminal justice system has determined that they are ready to return to the community, they should receive the rights and responsibilities that come with that status, and should not continue to be relegated to second-class citizenship.

This movement by a number of states toward re-enfranchisement is a positive step, but civil death is a national problem that harms our democracy. Our proposed federal law would ensure that once people have served their time, their right to vote in a federal election would be restored. (We hope states would follow suit regarding state and local elections.) This approach also reduces administrative hurdles and Election Day confusion over who should and should not be allowed to vote.

There are many people across the country like Mr. Ramsey - people who broke the law, paid the price and now want to move forward with their lives by contributing to their city, their state and their country.

The continuing expansion of the franchise - to the poor, women, minorities and young people - is one of the greatest stories in our country's history. With Election Day less than nine months away, there is no time to lose in restoring our democracy for so many of our citizens.

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